



United States Marshals Service POLICY DIRECTIVES

TRAINING

14.15 USE OF FORCE

A. **Proponent:** Training Division.

B. **Purpose:** This directive provides United States Marshals Service (USMS) policy and procedures concerning the use of force. This policy is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person. Deviations from this policy may be made only with the Director's approval.

C. **Authority:** The Director's authority to establish a use of force policy is contained in 28 U.S.C. § 561(g), 18 U.S.C. § 3053, and 28 U.S.C. § 566(d). On July 1, 2004, the Attorney General approved a revised Deadly Force Policy for the Department of Justice (DOJ), which applies to all DOJ components. On April 21, 2011, the Attorney General approved the DOJ Policy Statement on Use of Less-Than-Lethal Devices, which applies to all DOJ components.

D. **Policy:** The use of force by a Deputy United States Marshal (DUSM) must be objectively reasonable and may range from verbal commands to the use of deadly force.

1. **Reporting:**

- a. DUSMs will report all intentional and all unintentional incidents involving the use of firearms, less-than-lethal devices, or physical force greater than minor restraint using Form USM-133, Use of Force Report, to the Office of Professional Responsibility, Internal Affairs, according to established procedures. Task Force Officers (TFOs), or DUSMs acting on their behalf, will report deployment of less-than-lethal devices using Form USM-133, Use of Force Report.
- b. Districts and task forces should become familiar with the policies and procedures of state/local agencies that participate on USMS-led task forces regarding the release of supporting documentation (e.g., photos, reports of injuries, etc.). When agencies' policies and procedures allow, TFO submissions of Form USM-133, Use of Force Report, should include all available supporting documentation.

2. **Use of Less-Than-Lethal Force:**

- a. DUSMs are authorized to use only those less-than-lethal devices that are approved for use by the USMS and that they are trained to use.
- b. DUSMs may use less-than-lethal force only in situations where reasonable force, based upon the totality of the circumstances at the time of the incident, is necessary to:
 - 1) Protect themselves or others from physical harm;
 - 2) Restrain or subdue a resistant prisoner or suspect;

- 3) Make an arrest;
 - 4) Prevent a prisoner from escaping; or
 - 5) Otherwise obtain lawful compliance from a subject.
- c. DUSMs are not authorized to use less-than-lethal devices if voice commands or physical control achieve the law enforcement objective. DUSMs using a less-than-lethal device must stop using the device once it is no longer needed to achieve the law enforcement purpose for which it is being used. Less-than-lethal weapons may not be used to punish, harass, taunt, or abuse a subject.
- d. **Prohibited Techniques:** The following acts or techniques associated with the use of less-than-lethal force are prohibited absent exigent circumstances:
- 1) Choke holds, carotid-control holds, or other neck restraint;
 - 2) Use of baton to apply choke or "come-along" holds to the neck area; and
 - 3) Intentional strikes with a baton to the head, face, groin, solar plexus, neck, kidneys, or spinal column.
3. **Deadly Force:** DUSMs may use deadly force only when necessary; that is, when the DUSM has a reasonable belief that the subject of such force poses imminent danger of death or serious physical injury to the DUSM or to another person.
- a. Deadly force may not be used solely to prevent the escape of a fleeing suspect or an escaping USMS detainee. A DUSM may use deadly force against a fleeing suspect or escaping USMS detainee only when the DUSM has a reasonable belief that the suspect or detainee poses an imminent danger of death or serious physical injury to the DUSM or to another person.
 - b. Firearms may not be fired solely to disable moving vehicles.
 - c. If feasible, and if doing so would not increase the danger to the DUSM or others, a verbal warning to submit to the authority of the DUSM shall be given prior to the use of deadly force.
 - d. DUSMs will be trained in alternative methods and tactics for handling resisting subjects, which must be used when the use of deadly force is not authorized by this policy.
 - e. Warning shots are not permitted outside of the prison context.
4. **Medical Attention:** In all use of force incidents, DUSMs must make necessary medical assistance available to subjects as soon as practicable. Any injury to USMS personnel or another party must be documented and reported in connection with the submission of Form USM-133, Use of Force Report.

E. Responsibilities:

- 1. United States Marshals (USMs), Chief Deputy United States Marshals (CDUSMs), and Assistant Directors must ensure that all employees authorized to use force comply with the reporting and training requirements and demonstrate proficiency with approved devices and firearms.

2. Regional Fugitive Task Force Commanders, USMs, and CDUSMs will be responsible for notifying their TFOs about this policy and their responsibilities under the policy.
3. The Office of Professional Responsibility will be responsible for preparing annual reports detailing use of force incidents.

F. Procedures: None.

G. Definitions:

1. **Deadly Force:** Any force that is likely to cause death or serious physical injury.
2. **Less-Than-Lethal Force:** Force that is neither likely nor intended to cause death or serious physical injury.
3. **Serious Physical Injury:** Bodily injury that is likely to cause death or serious/permanent disfigurement or loss of function of a body part or organ.
4. **Deputy United States Marshal:** All operational employees assigned to the 082, 1801, 1802, and 1811 job series (including Inspectors, Supervisory Deputy United States Marshals, and CDUSM); employees who have a valid special deputation; and employees whom the USMS has authorized to carry a firearm as a requirement of their duty assignments.
5. **Less-Than-Lethal Devices** include, but are not limited to:
 - a. Conducted Energy Devices (e.g., electronic immobilization, control, and restraint devices);
 - b. Impact Devices (e.g., batons, bean bag projectiles); and
 - c. Chemical Agents (e.g., pepper spray).

H. References: Department of Justice Policy Statement on Less-than-Lethal Devices.

I. Cancellation Clause: This policy directive supersedes Policy Directive 2.1, *Law Enforcement Response, Use of Force*.

J. Authorization and Date of Approval:

By Order of:

Effective Date:

/S/
Stacia A. Hylton
Director
U.S. Marshals Service

04/12/2013



United States Marshals Service POLICY DIRECTIVES

GENERAL OPERATIONS

2.1 SHOOTING INCIDENTS

A. **Proponent:** Office of Inspection.

B. **Purpose:** This directive contains policies and procedures necessary for reporting and investigating shooting incidents.

C. **Authority:** The Director's authority to supervise the USMS is set forth in 28 U.S.C. § 561(g) and 28 C.F.R. § 0.111.

D. Policy

1. All shooting incidents involving USMS employees will be reported and investigated. All operational employees, including 1811, 082, and 1802 job series; all contract employees; and any other employee authorized by the USMS to carry a firearm as a duty requirement, who are involved in shooting incidents occurring on or off duty must immediately report the incident to their supervisor. The supervisor will document the incident on Form USM-133, Use of Force Report.

Exceptions:

- a. Firearms properly discharged in connection with authorized training;
 - b. Firearms appropriately discharged in a recreational activity in an authorized area with proper authority/licenses and in accordance with all applicable laws, rules, and regulations without injury to any person or damage to property.
2. All shootings involving a Task Force Officer (TFO) will be reported as per USMS directive, Significant Incidents Report. If a TFO is assigned to a USMS fugitive task force and is involved in a shooting incident while performing task force duties outside of the jurisdictional boundaries of the TFO's sponsoring agency, Sections E. 2. a. – c., E. 3. a.; and section F of this policy (except for giving the TFO a USMS firearm) will be applied to the TFO unless the TFO's sponsoring agency has objected to this procedure. After consultation with and agreement from a TFO's sponsoring agency, this paragraph may be applied when a TFO is involved in a shooting incident within the jurisdictional boundaries of the TFO's sponsoring agency. Task force files should document who from the TFO's sponsoring agency has approved or disapproved of the procedures in this paragraph.
 3. All shooting incidents under section D.1 will be investigated by an appropriate local, state or federal law enforcement agency. The Office of Inspection (OI) will conduct an administrative investigation into each incident. OI will respond to all intentional firearms discharges as defined above. Exceptions to this deployment may be authorized by the Chief of OI. OI can utilize subject matter experts from other headquarters divisions to assist with their investigation.

E. Procedures

1. District/Division Reporting and Response

- a. The involved District or Division will **IMMEDIATELY NOTIFY** the Communications Center of any shooting incident occurring within its area of responsibility.

The Communications Center will **IMMEDIATELY NOTIFY** those employees listed in the USMS Significant Incident email group. If the incident occurs after duty hours, the Communications Center will verify receipt of the message by OI. Refer to USMS directive, Significant Incidents Report.

- b. The following information, if available, will be provided to the USMS Communications Center:
 - 1) The circumstances which led to the shooting;
 - 2) Any injuries, property damage or significant community reaction;
 - 3) Identity of injured party(ies);
 - 4) The extent of injury(ies);
 - 5) The number and identity of USMS employees involved in the incident;
 - 6) If the incident involved a fugitive, the charges and jurisdiction of the originating agency; and
 - 7) If the incident involved a fugitive, whether or not the fugitive was armed.
- c. When advised of the shooting incident by USMS personnel at the scene, district/division management will advise those employees who discharged their firearms to **MAKE NO IMMEDIATE STATEMENTS** to any law enforcement authorities, media, or other persons. They are not to surrender their firearms directly to any investigative authority unless approved by district/division USMS management. (Management may seek advice from the Office of General Counsel.)

Exception to the "MAKE NO IMMEDIATE STATEMENT POLICY" may occur when an operational necessity requires USMS personnel to make immediate statements addressing ongoing law enforcement urgent circumstances, for example, description of subject who has escaped, direction of subject's flight, type of weapon used by subject, etc. when the information is not readily available from another source.

2. Supervisor at the Shooting Incident Scene

- a. A supervisor will be designated and immediately dispatched to the scene to ascertain from USMS employees involved, directly or indirectly, the circumstances surrounding the shooting incident and to provide the information

to the investigating agency. (If no supervisor is immediately available, district/division management will designate an 1811 currently on the scene, or to respond to the scene, to act as Deputy-in-Charge until a SDUSM can arrive.) The supervisor will provide the local investigating agency a copy of this directive or inform the investigating agency representative that, as required by USMS policy:

- 1) The USMS OI has been notified and will contact the investigative agency.
 - 2) Each employee who discharged a firearm has been instructed that he or she will make no immediate statement to law enforcement agencies. Deputies may provide a statement within a reasonable time thereafter.
 - 3) Each employee who discharged a firearm shall be removed from the scene.
 - 4) Firearms and any evidence (such as clothing) taken into custody will be released to the appropriate investigating agency with approval of the district or division management. District or division management may consult the Office of General Counsel as necessary. A strict chain of custody must be maintained on all items seized from involved employees in any shooting incident until they are released to the investigating authority or returned to the employee.
- b. The supervisor will take custody of any employee's firearm discharged during the incident. If a firearm is kept in custody, another USMS firearm will be issued unless the supervisor has substantial cause not to re-issue a firearm. Firearms qualification will be waived for weapons issued under these circumstances for a reasonable amount of time until the involved employee can qualify with the re-issued firearm.
- c. The supervisor will remove the employees who discharged their firearm from the scene and have them examined by a physician and/or treated for injuries/trauma, if necessary. If possible, an uninvolved employee will be assigned to accompany the employee(s). The supervisor will ensure that all involved employees (this includes but is not limited to district/division deputies, TFOs, and members of specialty units such as TOG, SOG, etc.) do not return to duty or leave the district until cleared to do so by the Office of Inspection. The supervisor will, to the extent possible, instruct all involved personnel not to discuss the incident with anyone until their statements have been taken. A general proffer of the circumstances surrounding the shooting incident will be made to the investigating law enforcement agency by the USMS supervisor at the scene.
- Exception to the Immediate Removal of Employees who Discharge their Firearm:** In certain exigent circumstances, it may be necessary for the employee who discharged his firearm to remain at the scene to assist with an ongoing investigation. The supervisor has the discretion to authorize the involved employee(s) to remain on the scene to fulfill any operational necessities.
- d. The supervisor will consult with each USMS employee who did not discharge a firearm and determine whether any of them needs to be examined or treated for

injury or trauma. If so, the supervisor will see that each employee who needs examination or treatment is removed from the scene and examined by a physician. USMS employees who witnessed the incident and are not removed from the scene will be allowed, at their discretion, to provide their statements to the investigating law enforcement agency.

- e. Unless exigent circumstances exist, the supervisor or appropriate designee will remain on the scene until the investigating agency agrees there is no further need for a USMS presence.
- f. If the employee(s) involved in the shooting are transported to a medical facility, the Supervisory Deputy U.S. Marshal at the scene will provide the treating facility with U.S. Department of Labor (DOL) Form CA-16, *Authorization for Examination And/Or Treatment*. It is not required that the employee sign the form. The supervisor or the DOL Office of Worker's Compensation Programs (OWCP) shall sign the CA-16. Only the first page needs to be completed by the USMS. The treating physician will complete page 2 of the CA-16. If there are any questions concerning the completion of this form or any other OWCP forms, the Chief of the Employee Health Programs Branch or the USMS OWCP Manager should be contacted during duty hours. The EAP staff may be contacted during non-duty hours.
- g. **Written Report Required:** Within 18 hours of the incident, a district/division supervisor must complete Form USM-133, *Use of Force Report*, and provide the report to OI.
- h. To minimize the effects on non-involved personnel in the office, employees will be informed about any pertinent information concerning the shooting incident by the USMS Assistant Director, U.S. Marshal, or his or her representative.

3. **Employees Involved in Shootings: Employees who discharge their firearm should be advised of the following guidelines and rights:**

- a. Except as required by the investigating agency and OI, an employee who discharges his or her firearm should refrain from discussing the facts of the shooting with USMS employees or other individuals, other than the responding supervisory official. (The employee may speak to the USMS Critical Incident Response Team. However, the employee should refrain from discussing facts related to the shooting incident until after he/she has provided a formal statement to the investigating agency.)

He or she will make a general proffer to the USMS supervisory official who responds to the scene and will then be removed from the scene and treated for trauma, if necessary, and will not return to the office until authorized to do so by the Office of Inspection.

- b. Employees involved in a shooting incident may be placed on Administrative Leave in accordance with USMS directive, *Leave Administration*, and in coordination with the Employee Assistance Program. While on administrative leave, involved employees shall be responsible for cooperating with OI, EAP and any other USMS personnel or other appropriate authorities OI or the Office of General Counsel deem appropriate.

4. **Peer Support Program (PSP) and Critical Incident Response Team (CIRT):** The Chief Inspector for the PSP will be notified by the Communications Center through the USMS Significant Incident notification procedures of any USMS involved shooting. Members of the USMS Critical Incident Response Team (CIRT) will respond to assist those individuals involved in the shooting incident. After involved employees have given their statements to appropriate authorities, district/division management will make their employees available to CIRT for a time frame determined by CIRT. Out-of-town personnel such as task force members, Incident Management Team members (IMT), Technical Operations Group (TOG) personnel, Special Operations Group (SOG) members, etc., must advise CIRT before returning to their permanent offices. CIRT and EAP are available to families of employees involved in the shooting and to other USMS personnel in the District/Division. Refer to USMS directives, 2.4 Peer Support Program and Critical Incident Response Team, and 3.5 Employee Assistance Program or Death and Disability in the Service.
5. **OI Report Documentation will include:**
- a. Form USM-11, Report of Investigation.
 - b. Witness statements.
 - c. Details and/or copy of any operational plan.
 - d. Form USM-133, Use of Force Report.
 - e. Copy of medical examiner/coroner's report; medical reports of those injured; and photographs, if available.
 - f. Police reports; ballistics reports; forensic reports.
 - g. Maps (labeled to show routes of travel, relative distance to key points, etc.).
 - h. Diagrams - detailed location of shooter(s) and victim(s) (labeled to show routes of travel, relative distance to key points, etc.).
 - i. Copy of current form USM-333, Weapons Qualification and Familiarization Record/Authorization to Use Personally Owned Weapons or, in the case of other deputized law enforcement officers who discharge a firearm, a copy of their most recent firearms qualification record.
 - j. Deputation papers (if applicable).
 - k. Other relevant memoranda and documentation.
 - l. Declination of prosecution (the investigation must document the details regarding a declination or the extent of authorized prosecution and also include the name and telephone number of the prosecutor and the judicial district). If a declination could not be obtained, the report must document the efforts made to obtain a declination and the reason why one could not be obtained.

6. District/Division personnel should refrain from contacting the investigating agency or the prosecutor's office. OI will notify district/division management, through regular updates, of any change in the status of the investigation.

F. Prohibition On Releasing Names Of USMS Personnel Who Are Involved: The names of USMS personnel involved in a shooting are **NEVER** to be released to the news media at the district/field office level. The names of USMS personnel involved in a shooting will only be released to the investigating authority with the understanding that they cannot release the names to the news media. Any release of employees' names to the media will be made by the Office of Public Affairs or by the Department of Justice.

G. Legal Representation: In the aftermath of a line of duty shooting or other critical incident involving death or serious physical injury, if it appears likely that a Deputy will be the subject of a federal, state, or local criminal investigation related to the incident, it may be possible for the Deputy to be provided emergency personal legal representation by a private attorney at the expense of the Department of Justice in connection with the criminal investigation. The Deputy's supervisor should inform the Deputy of the possibility and let the Deputy know that representation will be provided only if the Deputy requests it. Representation through a professional liability insurer, a professional law enforcement organization, or another source may also be available to the Deputy for this purpose. If the Deputy does request such representation, an immediate telephone call should be made to the head of OGC's Enforcement Team.

If such representation is approved by the Department and provided, it will only be for a short period of time, until the Department can obtain sufficient information to decide whether the Deputy will receive direct representation from the Department through the U.S. Attorney's Office. The Department will not provide an attorney for representation in an internal agency investigation. Compensation for an attorney is subject to the Department's reimbursement limitations.

Albuquerque Police Department

Position Title: United States Marshals Service Task Force Officer (Detective)

Reports To: HIDTA Section TFO Sergeant/USMS Fugitive Task Force Supervisor

Position Summary: Work in closely with the USMS to conduct fugitive investigations and operations in accordance with Standard operating procedures.

Duties, Responsibilities, and Tasks:

1. Investigate and apprehend state and federal violent fugitives.
2. Prepares both police reports as well as federal documents and reports on investigative and arrest operations.
3. Interview witness, suspects, victims and confidential sources.
4. Conduct surveillance operations.
5. A good working knowledge of state and federal search and seizure laws.
6. Must be willing to work varied hours and adjust days off.
7. Maintain case files
8. Prepare and present federal cases to the federal court.
9. Obtain and serve search warrants for real property and electronic devices.
10. Provide support to APD police personnel as directed.
11. Coordinate fugitive investigations with other units, agencies and crime stoppers.
12. Take custody, transport and rebook state and federal inmates as needed.
13. Enter and track fugitive cases, reports, collateral leads into Justice Detainee Information Systems (JDIS) on all active cases.

Albuquerque Police Department

Necessary Knowledge, Skills, and Abilities

1. Ability to prepare comprehensive and concise investigative reports.

2. Ability to handle administrative assignments in a timely fashion.
3. Ability to liaison effectively within the department and outside agencies.
4. Ability to deal courteously and firmly with the public.
5. Ability to make public appearance and statements in behalf of the department.
6. Knowledge of state and federal status and case law relating to fugitives and apprehension.
7. Knowledge of state and federal rules and statues regarding new charges.
8. Thorough knowledge of laws of arrest, search, and seizure.
9. Thorough knowledge of rules of evidence pertaining to entrapment.
10. Thorough knowledge of open source and law enforcement databases.
11. Through knowledge of elements necessary for criminal complaints.
12. Ability to pass a federal background and maintain all required clearances.
13. Maintain and audit federal grand overtime documents.
14. Investigative experience preferred.
15. Ability to manage numerous cases simultaneously.

Position Qualifications:

- Police Officer First Class
- Good overall work record
 - No abuse of sick leave (patterns of using sick leave in conjunction with days off)
 - No disciplinary action resulting in a suspension within the last twelve months (excluding suspension resulting from chargeable accidents).
 - Satisfactory performance appraisals for the last two rating periods.
- Must be willing and able to work varied and/or adjusted days.
- Must be willing to be on-call.
- Demonstrate ability to write complete and comprehensive reports (including full felony supplement and federal cases).
- Subject to a one-year (1) trial period.
 - Must demonstrate the ability to satisfactorily perform the functions as a TFO within the time as determined by the section supervisor.

Date Prepared: May 18, 2018

CITY OF ALBUQUERQUE

Albuquerque Police Department



Michael J. Geier, Chief of Police



May 31, 2018

DEPARTMENT PERSONNEL CIRCULAR 18-52

TO: ALL NON-PROBATIONARY OFFICER

**ISSUED BY: ASHLEY S. MONTAÑO, INTERIM MANAGER, PERSONNEL
MANAGEMENT DIVISION**

**SUBJECT: OPENING FOR ONE OFFICER IN INVESTIGATIVE BUREAU,
SPECIAL INVESTIGATIONS DIVISION, NARCOTICS
SECTION- HIDTA/USMS FUGITIVE TASK FORCE**

There is currently an opening for one officer in Investigative Bureau, Special Investigations Division, Narcotics Section-HIDTA/USMS Fugitive Task Force. Officers interested in applying for the position shall submit a Transfer Request Form, along with a resume, to Police Department Personnel Section, Room 383, prior to 1630 hours on Sunday, June 10, 2018.

400 Roma NW

Job Description attached.

Albuquerque

New Mexico 87102

www.cabq.gov

Albuquerque Police Department

Position Title: United States Marshals Service Task Force Officer (Detective)

Reports To: HIDTA Section TFO Sergeant/USMS Fugitive Task Force Supervisor

Position Summary: Work in closely with the USMS to conduct fugitive investigations and operations in accordance with Standard operating procedures.

Duties, Responsibilities, and Tasks:

1. Investigate and apprehend state and federal violent fugitives.
2. Prepares both police reports as well as federal documents and reports on investigative and arrest operations.
3. Interview witness, suspects, victims and confidential sources.
4. Conduct surveillance operations.
5. A good working knowledge of state and federal search and seizure laws.
6. Must be willing to work varied hours and adjust days off.
7. Maintain case files
8. Prepare and present federal cases to the federal court.
9. Obtain and serve search warrants for real property and electronic devices.
10. Provide support to APD police personnel as directed.
11. Coordinate fugitive investigations with other units, agencies and crime stoppers.
12. Take custody, transport and rebook state and federal inmates as needed.
13. Enter and track fugitive cases, reports, collateral leads into Justice Detainee Information Systems (JDIS) on all active cases.

Albuquerque Police Department

Necessary Knowledge, Skills, and Abilities

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May 22, 2018

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- 2. Ability to handle administrative assignments in a timely fashion.
- 3. Ability to liaison effectively within the department and outside agencies.
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- 4. Ability to deal courteously and firmly with the public.
- 5. Ability to make public appearance and statements in behalf of the department.
- 6. Knowledge of state and federal status and case law relating to fugitives and apprehension.
- 7. Knowledge of state and federal rules and statues regarding new charges.
- 8. Thorough knowledge of laws of arrest, search, and seizure.
- 9. Thorough knowledge of rules of evidence pertaining to entrapment.
- 10. Thorough knowledge of open source and law enforcement databases.
- 11. Through knowledge of elements necessary for criminal complaints.
- 12. Ability to pass a federal background and maintain all required clearances.
- 13. Maintain and audit federal grand overtime documents.
- 14. Investigative experience preferred.
- 15. Ability to manage numerous cases simultaneously.

Position Qualifications:

- Police Officer First Class
- Good overall work record
 - No abuse of sick leave (patterns of using sick leave in conjunction with days off)
 - No disciplinary action resulting in a suspension within the last twelve months (excluding suspension resulting from chargeable accidents).
 - Satisfactory performance appraisals for the last two rating periods.
- Must be willing and able to work varied and/or adjusted days.
- Must be willing to be on-call.
- Demonstrate ability to write complete and comprehensive reports (including full felony supplement and federal cases).
- Subject to a one-year (1) trial period.
 - Must demonstrate the ability to satisfactorily perform the functions as a TFO within the time as determined by the section supervisor.

Date Prepared: May 18, 2018

United States Marshals Service
Violent Offender Task Force - Memorandum of Understanding

Rev. 10/2018

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the

and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent USMS Violent Offender Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. (See also) "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. (See also) Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. (See also) 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the VOTF (Violent Offender Task Force). Cases will be adopted by the VOTF at the discretion of the District Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the VOTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the VOTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The VOTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agency personnel must be approved by the District Chief Deputy prior to assignment to the VOTF. Agency personnel may be removed at any time at the discretion of the District Chief Deputy.

Direction and coordination of the VOTF shall be the responsibility of the USMS District Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS district personnel, may be established at the discretion of the District Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the VOTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers (TFOs) traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost.

The request for reimbursement must be submitted to the District Chief Deputy, who will review the request for reimbursement, stamp and sign indicating that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.

VEHICLES:

Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state and local investigators assigned to the VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state and local investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

EQUIPMENT:

Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state and local investigators assigned to the VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency.

Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state and local investigators for exclusive use in support of the VOTF. If the investigator or agency is no longer a participating member of the VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the VOTF shall be retained by the agency in the VOTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Mission System. Statistics will be made available to any participating agency upon request.

CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS:

Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information or "tip" related to a USMS offered reward on an active Fugitive case shall be accomplished by registering the individual or "tipster" through the established USMS CS payment process.

USE OF FORCE:

All members of the VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than lethal devices, to include completing all necessary training and certification requirements. All members of the VOTF and their parent agencies will read and adhere to the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the District Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

NEWS MEDIA:

Media inquiries will be referred to the District Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the District Chief Deputy U.S. Marshal.

District:

United States Marshal:

Print Name:

Signature:

Date:

Participant Agency:

Name:

Phone:

Location (City and State):

Participant Agency Representative(s):

Print Name and Title:

Signature:

Date:

Assistant Director, Investigative Operations Division:

Print Name:

Signature:

Date:

Jeff Tyler

From: [Gallegos, Gilbert Jr.](#)
To: [Gonzalez, Arturo E.](#); [Garcia, Mizel](#)
Subject: US Marshals
Date: Thursday, January 31, 2019 5:07:42 PM
Attachments: [image002.png](#)

This is what I said last year:

Question:

Members of the Police Oversight Board were told that APD is no longer letting its officers be part of DOJ or U.S. Marshal's Service task forces because neither the DOJ nor the USMS will make their MOUs, or rules of operations, available to APD. Neither the Force Review Board or the Critical Incident Review Team have been able to get access to the DOJ or the USMS's operational policies. Thus, the decision has apparently been made to not have APD officers serve on those federal task forces.

Draft statement:

The Department previously had one APD officer assigned to a task force with the U.S. Marshal's Service. The task force was involved in officer-involved shootings in which tactics and follow-up reviews of the use of force were not in line with APD's operational policies. As a result, APD is not currently assigning an officer to that task force, but the department continues to assign officers to other federal partners.

GILBERT GALLEGOS
director of communications APD
O 505.768.2463
m 505.377-6952
cabq.gov/police



**ONE
ALBUQUE
RQUE** APD

From: [Griego, Annabel](#)
To: [Gonzalez, Arturo E.](#)
Subject: MOU's
Date: Friday, February 09, 2018 12:22:40 PM
Attachments: [MOU Between FBI and APD.pdf](#)
[MOU Bureau of Alcoholism Tobacco, Firearms and Explosives \(ATF\) & APD.pdf](#)
[MOU Cooperative Agreement between the DEA and APD.pdf](#)
[MOU Intelligence and Security Bureau NM Dept of Homeland Security and Emergency Management Intelligence and Security Bureau & APD.pdf](#)
[MOU United States Dept. of Justice Summary of Settlement agreement with the City of Albuw. regarding APD.pdf](#)
[MOU Violent Offender Task Force SW Investigative Fugitive Team \(SWIFT\).pdf](#)

Hi Chief Gonzalez.

I've attached your scanned copies of MOU's requested. I will leave your hard copies on your table.

Respectfully,

Annabel Griego
Administrative Assistant
Albuquerque Police Department
Chief's Office
(505) 768-2214
(505) 768-2331 fax
annabelgriego@cabq.gov

From: [Gonzalez, Arturo E.](#)
To: [Gallegos, Gilbert Jr.](#)
Cc: [Geler, Mike](#)
Subject: RE: Follow up on the Marshal's Service task force
Date: Thursday, February 08, 2018 12:49:32 PM
Attachments: [TFO POB - 02.08.17.docx](#)

This might help

From: Gallegos, Gilbert Jr.
Sent: Thursday, February 08, 2018 9:08 AM
To: Gonzalez, Arturo E.
Subject: Follow up on the Marshal's Service task force

Do you know answers to these questions?

When did this change go into effect? Does the department anticipate assigning officers to the USM task force again? If so, when? What federal agencies does APD currently have officers assigned to? Were officers removed from any of those task forces at any point?

Gilbert Gallegos

Director of Communications and Community Outreach

Albuquerque Police Department

400 Roma Ave NW

Albuquerque, NM 87114

505-768-2053 (office)

505-377-6952 (mobile)



Timothy M. Keller
Mayor

City of Albuquerque

Albuquerque Police Department



Michael J. Geier
Chief of Police

November 1, 2018

Interoffice Memorandum

To: Trey Simmons, Help Desk Lead/Verizon Account Manager, Tech Services

From: Mizel Garcia, Commander, Special Investigations Division

Subject: Expedited Department Cell Phone Request

Please accept this memorandum as a request to expedite the process for issuing a City of Albuquerque cell phone to Detective James Montoya. Detective Montoya's current assignment is to the Special Investigations Division and he serves in the capacity of a Task Force Officer (TFO) with the United States Marshals Service (USMS). A significant portion of TFO Montoya's job description involves the investigation and apprehension of state and federal violent fugitives. His work hours are varied, fluid and he is on a twenty-four hour on call status. The lack of a City of Albuquerque cell phone severely limits his ability to work and coordinate with other law enforcement officers, victims, witnesses, confidential informants, and suspects. While working in an undercover/plain clothes capacity, he is routinely unable to utilize his hand-held radio and solely relies on utilizing a cell phone. The lack of a cell phone in these types of investigations increases the threat level to his safety. Due to all of these aforementioned factors and considerations, I am requesting the process for the issuance of a City of Albuquerque cell phone to TFO Montoya be expedited. In advance, I thank you for your consideration and action on this matter.

cc: James Montoya, USMS Task Force Officer, Special Investigations Division